

EXHIBIT

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Jan 31 2014 08:19am P002/004

SEMINOLE COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT

IN THE DISTRICT COURT IN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA

MAR 29 2013

KIM A. DAVIS COURT CLERK
BY SS DEPUTY

ROBYN ALEXANDER nee RUSHING,

PLAINTIFF,

vs.

DE ANN SUMPTER, LAURYN ELAYNE
ALEXANDER, PROGRESSIVE CASUALTY
INSURANCE CO., and USAA CASUALTY
INSURANCE CO.,

DEFENDANTS.

CASE NO. CS-2013-41

PETITION

Plaintiff states:

1. Robyn Alexander nee Rushing, hereinafter "Robyn" is a resident of Oklahoma, currently in the military and currently stationed in Warner Robins, GA.
2. Defendant, De Ann Sumpter, hereinafter "Sumpter" is a resident of Oklahoma, residing in Hartshorne, OK.
3. Defendant, Lauryn Elayne Alexander, hereinafter "Alexander", is a resident of Georgia, currently residing in Warner Robins, GA.
4. Progressive Casualty Insurance Co., hereinafter "Progressive", is licensed to do business in Oklahoma.
5. USSA Casualty Insurance Co., hereinafter "USAA", is licensed to do business in Oklahoma.

VENUE

6. Venue and jurisdiction is proper in the Court as the incident giving rise to this cause of action occurred in Seminole County, OK.

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ALLEGATIONS ESTABLISHING PLAINTIFF'S CAUSE ACTION

NEGLIGENCE

7. On or about April 5, 2011, Robyn was a passenger in an automobile owned by Nyla Alexander and driven by defendant Alexander; the vehicle had reached a point near Mile Marker 206 on Interstate 40 in Seminole County, OK, and was following a vehicle owned by Lennie Mickle and driven by the defendant Sumpter.

8. Defendant Sumpter was traveling in the same direction and lane immediately in front of the defendant Alexander. Defendant Sumpter suddenly and without any reason applied her brakes sharply decreasing the speed of her vehicle. Defendant Alexander was following defendant Sumpter's vehicle too closely, was unable to brake in time, struck the defendant Sumpter's vehicle, thereupon losing control and traveling off the roadway and overturning at least once.

9. Under the facts set forth above the defendants were jointly and severally negligent; and plaintiff was without fault.

INSURERS' LIABILITY

10. The defendant Progressive, for valuable consideration, had issued its policy of liability insurance to its insured, the defendant Alexander; said policy included a provision for Uninsured Motorist Coverage which protected against bodily injury suffered by a passenger in the insured vehicle; said defendant is liable up to its policy limits for the bodily injury suffered by Robyn; and the said policy was in full force and effect on the date of the collision.

11. The defendant USAA, for valuable consideration had issued its policy of liability insurance to its insured, Robyn, the plaintiff herein; said policy included a provision for Uninsured Motorist Coverage which protected against bodily injury suffered by a person in Robyn's position;

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said defendant is liable up to its policy limits for the bodily injury suffered by Robyn; and the said policy was in full force and effect on the date of the collision.

DAMAGES

12. As a result of the above collision, Robyn has suffered serious and permanent injury that has resulted in numerous medical bills; although she has not suffered a loss of wages to date due to her military status, she likely will in the future; and she has suffered great physical pain and mental anguish.

DEMAND FOR RELIEF

Plaintiff prays for judgment as follows:

1. For judgment against the defendants Sumpter and Alexander in a sum in excess of the Federal jurisdictional limits;
2. For judgment against the defendant insurers in a sum equal to their combined Uninsured Motorist Coverages;
3. For all costs of this action, together with interest before and after judgment as provided by law; and
4. For such other and further relief as the Court may deem just and proper

Respectfully Submitted,

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ATTORNEYS LIEN CLAIMED